Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

- 1 14. (Canceled)
- 15. (Previously presented) The method of claim 25, wherein the nucleic acid cassette is present in a viral vector or nucleic acid delivery system.
- 16. (Previously presented) The method of claim 25 wherein the malignant cell is a solid tumor.
- 17. (Previously presented) The method of claim 16 wherein the solid tumor is a glioma.
- 18. (Currently amended) The method of claim 17, wherein the nucleic acid <u>cassette</u> eassettes is present in a vector, wherein the vector is an adenovirus vector or a herpes virus vector.
- 19. (Original) The method of claim 16, wherein the nucleic acid sequence of interest encodes a negative potentiator.
- 20. (Previously presented) The method of claim 19, wherein the gene of interest is a suicide gene, a dominant negative mutant or a cytotoxin.
- 21. (Previously presented) The method of claim 20, wherein the gene of interest is a suicide gene.

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- 22. (Original) The method of claim 21, wherein the suicide gene is HSV thymidine kinase.
- 23. (Previously presented) The method of claim 20, wherein the gene of interest is a cytotoxin.
- 24. (Previously presented) The method of claim 23, wherein the cytotoxin contains at least Domain III of *Pseudomonas extoxin A*.
- 25. (Currently amended) A method of selectively expressing a gene in a malignant cell comprising:
- (a) determining whether the malignant cell expresses sufficient E2F to cause increased expression of a gene operably linked to an E2F responsive promoter when compared to a mitotically active non-malignant cell;
- (b) selectively expressing the gene in said malignant cell that was determined to express sufficient E2F by adding an effective amount of a nucleic acid cassette to the malignant cell that was determined to express sufficient E2F, wherein said nucleic acid cassette comprises an E2F responsive promoter operably linked to a gene of interest, wherein said gene encodes a protein that stimulates production or expression of a cellular product that is product, a positive potentiator or encodes a gene that inhibits production or expression of a cellular product that is product, a negative potentiator; and
 - (c) waiting until the nucleic acid cassette transduces the malignant cell, eell; and

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(d) selectively expressing the gene by the E2F in said malignant cell causing the E2F responsive promoter to express said gene.

- 26. (Previously presented) The method of claim 25, wherein the E2F responsive promoter is selected from the group of promoters consisting of E2F1 promoter, dihydrofolate reductase promoter, DNA polymerase α promoter, c-myc promoter and β-myb promoter.
- 27. (Previously presented) The method of claim 25, wherein the gene of interest is selected from the group consisting of cytokines or costimulatory molecules.

28-40. (Canceled).

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